

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Takpor Gbleah,

Civ. No. 14-1170 (PAM/JJK)

Plaintiff,

v.

ORDER

Minnesota Unemployment
Insurance, and Madonna
Tower of Rochester,

Defendants.

This matter is before the Court on the supplemental Report and Recommendation (“R&R”) of United States Magistrate Judge Jeffrey J. Keyes dated May 13, 2014. The R&R recommended that this Court summarily dismiss this action. Plaintiff filed a letter to Magistrate Judge Keyes, which the Court will construe as an objection to the supplemental R&R. According to statute, the Court must conduct a de novo review of any portion of the Magistrate Judge’s opinion to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Based on that de novo review, the Court adopts the R&R.

In his objection, Plaintiff claims that contrary to the conclusion of the R&R he is not trying to sue Minnesota Unemployment Insurance, a state agency with Eleventh Amendment immunity from suit in federal court. But his Amended Complaint lists “Minnesota Unemployment Insurance” as a Defendant in this matter. As the supplemental R&R concluded, Minnesota Unemployment Insurance is not subject to suit in this Court and must

be dismissed. (Supp. R&R (Docket No. 5) at 1-2.)

Plaintiff also claims that he is merely asking this Court to order Minnesota Unemployment Insurance and Madonna Tower of Rochester to provide him with a hearing on his claim that he was wrongly accused of being overpaid. But such a claim, if cognizable at all, is not a federal claim. To the extent that Plaintiff believes that Defendants' actions may have violated his constitutional rights, such a claim cannot succeed against a private employer.¹ (See *id.* at 3 (discussing "under color of state law" requirement in 42 U.S.C. § 1983).)

Magistrate Judge Keyes correctly concluded that Plaintiff's Amended Complaint fails to state any actionable claim against either of the named Defendants. Accordingly, **IT IS HEREBY ORDERED that:**

1. Plaintiff's application for leave to proceed in forma pauperis (Docket No. 2) is **DENIED**; and
2. This action is summarily dismissed under 28 U.S.C. § 1915(e)(2)(B).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 28, 2014

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge

¹ As noted, Minnesota Unemployment Insurance, while presumably a public entity, is not amenable to suit in federal court.